

# REPORT

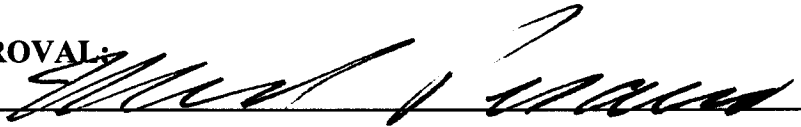
**DATE:** May 15, 2006

**TO:** Transportation and Communications Committee (TCC)

**FROM:** Rich Macias, Manager, Transportation Plans and Programs, 213-236-1805  
Naresh Amatya, Lead Regional Planner, 213-236-1885

**SUBJECT:** 2004 RTP Update Strategy/SAFETEA-LU Compliance

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDED ACTION:**

Approve staff recommendation to adopt the next RTP by November/December 2007 and initiate a Gap Analysis to bring the 2004 RTP into SAFETEA-LU compliance.

**SUMMARY:**

Prior to SAFETEA-LU, SCAG was required to update the RTP every three years. Accordingly, staff presented an update schedule to you in March of 2005 which called for adoption of the next RTP by April of 2007. Now that the SAFETEA-LU is in place, RTP may be update on a 4-year cycle rather than a 3-year cycle. The law allows the transportation conformity on the current RTP as well as RTIP to continue through the fourth year. However, a key issue for the SCAG region is that the federal agencies may not allow any amendment to the conforming RTIP or RTP during the 4th or the transition year of the current RTP, even though the SAFETEA-LU fully encourages all MPOs to take advantage of the 4-year RTP update cycle immediately. The federal funding on committed projects in the existing and conforming plans and programs will not be affected during this additional year. However, an amendment restriction during this transition year could threaten the region's ability to change funding obligations and deliver projects in a timely manner. In the worst cases, where funds come with specific timely use provisions, our inability to amend the TIP could result in loss of funds altogether. In order to minimize the impact of this potential restriction during the fourth year, staff is proposing an action plan outlined in this report that calls for the adoption of the next RTP by as early as November/December of 2007 and concurrently preparing and adopting a 'Gap Analysis' or an addendum to the 2004 RTP so as to bring the current RTP into compliance with the planning provisions of the SAFETEA-LU prior to the July 1, 2007 deadline for full implementation of SAFETEA-LU.

**BACKGROUND:**

This report presents the proposed SCAG approach to the 2007/8 RTP update so as to allow the region maximum flexibility in developing the next RTP while maintaining transportation conformity on the current plan and the necessary flexibility to implement it to the extent possible.

There are four options that could help the region minimize the adverse impact of the potential amendment restrictions.

1. Adopt the plan as close to the July 1, 2007 SAFETEA-LU deadline as possible to minimize our exposure to the amendment restrictions. Move forward with the full plan update on that basis.

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2. Continue to pursue our request to incorporate amendment 'threshold' language into the planning rules that will allow certain types of amendments to move forward. A draft of the planning rules is expected to be released shortly. We will certainly take every opportunity to comment on the draft rules.
3. Continue pursuing a legislative solution to the problem.
4. Develop and adopt an addendum/amendment based on a gap analysis that would address the SAFETEA-LU gap in the current RTP.

The earliest possible adoption of the new RTP is dependent on the SIP submittal timeline. Based on the current SIP timeline, which calls for submittal of 8-Hour Ozone budgets to US EPA in June 2007, the earliest SCAG can expect to submit a plan for adoption would be around November/December 2007. This would expose the region to the amendment restrictions for about six months rather than a full year.

SCAG has already prepared and presented to the Plans and Programs Technical Advisory Committee (P&P TAC) an analysis to identify the planning categories that must be addressed so that the new RTP is in full compliance with SAFETEA-LU when adopted in 2007 or 2008. The summary matrix with these findings is attached for your reference as **Attachment 1**.

In the short term, staff proposes preparing an addendum to the 2004 RTP that would address the gap in the current plan as it relates to SAFETEA-LU. This must be accomplished by the July 1, 2007 deadline for full implementation of SAFETEA-LU. The addendum, if approved by the federal agencies, would allow SCAG to continue with the amendment of RTP/RTIP during the fourth year of the current plan. The Ohio Department of Transportation is pursuing a similar approach for all MPOs in Ohio and their FHWA/FTA representatives have given them a positive feed back to move forward with the approach.

Overall, staff is proposing to pursue the following steps:

1. Move forward with the target to adopt a fully updated and SAFETEA-LU compliant RTP by November/December of 2007.
2. Continue to follow up on the amendment 'threshold' criteria with the federal agencies and participate in the SAFETEA-LU planning rule making process.
3. Continue to seek and pursue legislative relief to the planning restrictions that may be imposed in the 4th year of the current RTP.
4. Simultaneously, initiate preparation of an addendum based on the 'Gap Analysis' to bring the current plan into compliance with the planning provisions of SAFETEA-LU to the extent possible. Also, be prepared to modify approach to the proposed addendum based on any new federal guidance on planning that may be issued before it is adopted.
5. Initiate discussions with FHWA to indicate our intent to pursue this approach, including the findings of the gap analysis and the general framework to address them.
6. Undertake the efforts required to prepare the addendum or the 'Gap Analysis'.

7. Take the proposed addendum for adoption by the Regional Council no later than March 2007.

At this point, we believe preparation of an addendum or 'Gap Analysis' to the current RTP would entail the following.

- Inclusion of security as a standalone planning factor – The proposed approach would include:
  - Meeting with Caltrans to collect information related to security actions and plans for the State Highway System
  - Review LRPs and SRTPs and extract information related to security
  - Meeting with CTCs and transit operators to discuss and collect information related to security over and beyond what we extract from the LRPs and the SRTPs
  - Meeting with representatives of the sea ports, airports, transit agencies and state/local emergency service coordinators to discuss and collect information related to security and disaster response
  - Summarize findings from above in a separate section for inclusion in the addendum
- Addition of inter-modal connectors – The proposed approach would include:
  - Identify all inter-modal facilities in the current plan
  - Prepare a brief section identifying inter-modal connectors as a new program category describing existing inter-modal facilities included in the current RTP
- Inclusion of accessible pedestrian walkways and bicycle facilities – The proposed approach would include:
  - Review existing LRPs and compile information regarding pedestrian walkways and bicycle facilities
  - Augment the Non-motorized transportation section of the current RTP with new information gathered
  - A listing of Non-motorized transportation projects funded in the current RTP
- Identification of operational and management strategies – The 2004 RTP already included a separate section on these strategies. SAFETEA-LU requires separation of Operation and Management strategies. The proposed approach to expand the section include:
  - Establish a clear distinction between Operation and Management
  - Review the O&M section of the current RTP and assess whether Operation and Management strategies can be readily separated
  - Review the most recent SHOPP Plan and extract relevant changes from 2004
  - Review and summarize the focus on operations and management in the Governor's Strategic Growth (SGP) initiative
  - Review existing SRTPs to identify any new operational and management strategies for transit
  - Prepare separate sections for Operation and Management strategies based on above findings and consistent with the current RTP
- Discussion of environmental mitigation activities – The proposed approach would include:
  - Summarize environmental mitigation activities identified in the 2004 RTP PEIR for inclusion in the proposed addendum/amendment
- Consideration of DOT Highway Safety Plan – SAFETEA-LU requires that Caltrans develop a comprehensive Highway Safety Plan before the funds under the Highway Safety Program can be

disbursed. Caltrans is currently undertaking this effort and SCAG has been a participant in the process. A final Highway Safety Plan is expected to be in place by this summer. As such, the proposed approach would include:

- Describe Transportation Safety approach for the SCAG region based upon and consistent with the Statewide Highway Safety Plan
- Public Participation Program – An extensive public participation plan was implemented and documented in conjunction with the 2004 RTP. The proposed approach would include:
  - Reviewing the public participation program implemented in conjunction with the 2004 RTP
  - Developing and adopting a Public Participation Program for the full RTP Update with appropriate provisions for ensuring public participation in the preparation of the ‘Gap Analysis’
  - Documentation of the outreach efforts in conjunction with the ‘Gap Analysis’

The proposed addendum is expected to have no impact on the fiscal constraint requirements, conformity, or environmental elements of the current plan. The basic approach of this document would be to identify and describe areas where staff believe the current RTP either meets or exceeds the SAFETEA-LU requirements and areas where current RTP will be supplemented to meet the requirements.

The parallel effort to preparing the proposed addendum to the current RTP may appear to conflict, to some extent, with the full RTP update effort and schedule. However, staff proposes to strategically leverage much of the work products for the full update to achieve maximum efficiency. As such, by being strategic, staff believes the cost of preparing the addendum can be absorbed into the cost of preparing the 2007/8 RTP. The following are some of the key milestones for preparation of the proposed addendum.

- ◆ Initial assessment of the 2004 RTP for SAFETEA-LU Compliance (Completed and included as Attachment 1 to this memo)
- ◆ Initiate preparation of the addendum by preparing background material, analysis of the sections where we meet or exceed SAFETEA-LU requirements (May – Aug. 06)
- ◆ Prepare and coordinate sections that describe gaps or deficiencies in the current RTP (Aug. – Nov.)
- ◆ Release a Draft for 30-day public review and comments (Dec. 2006)
- ◆ Present a Final Addendum to RC for adoption (Feb/Mar 2007)

To summarize, staff believes it is prudent to concurrently pursue all the options that would minimize the impact of plan and TIP amendment restrictions. These restrictions could be imposed during the transition year or the fourth year of our current plan because federal agencies may not approve any amendments to RTP/RTIP that are perceived to be non compliant with SAFETEA-LU after July 1, 2007. Staff believes the products of the addendum can be strategically leveraged in developing the 2007/8 RTP, effectively absorbing the cost into the larger effort.

## **FISCAL IMPACT:**

No additional fiscal impact. Funding necessary for this work effort is already accounted for in the current and the next fiscal year budgets.



# SAFETEA-LU Changes and Actions

## Attachment 1

**DRAFT**

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
1. Update cycles for MPO Plans changed from <u>three</u> to <u>four</u> years	<p>Transportation plans in non-attainment and maintenance areas must be prepared and updated "...every 4 years..."</p> <p>Amended 23 U.S.C.134(i)(1)</p> <p>FHWA and FTA have determined that MPOs are allowed to comply with existing planning regulations for plans currently under development. However, <u>any</u> plans adopted after July 1, 2007 must comply with all of the SAFETEA-LU provisions.</p>	Updates required every <u>three</u> years.	<p>Date of 2008 means that all SAFETEA-LU requirements must be met.</p> <p><b>All plans after July 1, 2007 must comply with SAFETEA-LU (including all TIPs, RTP amendments, etc)</b></p> <p><b>Efforts underway by MPOs towards FHWA to at least allow minor amendments after July 1, 2007</b></p>	Coordination between MPOs towards FHWA to allow amendments to currently conforming RTP and TIPS after 7/1/07.	07-010 Macias

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
<b>Expanded Scope</b>					
2. Security as a stand-alone planning factor	<p>The factors that must be considered in the planning process were increased by splitting safety and security into separate factors:</p> <p><i>"(B) increase the safety of the transportation system for motorized and nonmotorized users:</i></p> <p><i>(C) increase the security of the transportation system for motorized and nonmotorized users;"</i></p> <p>Amended 23 U.S.C.134(h)(1)</p> <p>According to the FHWA/FTA Interim Guidelines, the split was intended to signal an increase in the importance of security.</p> <p>Note: Following guidance relates to Safety:  <a href="http://safety.fhwa.dot.gov/safeteal/index.htm">http://safety.fhwa.dot.gov/safeteal/index.htm</a></p>	<p>Safety and security were coupled in the same factor.</p> <p>In 2004 RTP, there was minimal discussion of security.</p>	The 2008 RTP will contain a separate discussion of transportation system security.	<p>Thompson and Huddy will coordinate and combine scope of work to have one consultant and to avoid duplication.</p> <p>Thompson also working on "Security and Emergency Preparedness" Chapter for the RCP, which will segway into the RTP Security Chapter.</p>	<p>07-010.SCGC3 (Thompson) Security Chapter \$150,000</p> <p>07-100.SCGC1 (Huddy) ITS Security Integration \$250,000</p>

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
3. Environmental planning factor now includes consistency of plan with planned growth and development plans	Expands environmental planning factor to include: <i>"(E)...promote consistency between transportation improvements and State and local planned growth and economic development patterns;"</i>  Amended 23 U.S.C.134(h)(1)	Addressed by the COMPASS 2% Strategy Program	The new requirements are being addressed in the RCP and in the RTP/RCP EIR as well	RTP Team Environment Section Compass Team State Local RHNA	07-020.SCGS1 07-035 Patsaouras Egerman  07-055 Harris
4. Intermodal Connectors Added as Transportation Facility	Plan is to include <i>"Identification of transportation facilities (including roadways, transit, multimodal and intermodal connectors)..."</i>  Amended 23 U.S.C.134(h)(2)(A)	Identification of transportation facilities other than intermodal was required in 2004.	May need a more comprehensive discussion in the 2008 RTP  <ul style="list-style-type: none"> <li>• <i>Station needs Assessment</i></li> <li>• <i>2% Strategy</i></li> <li>• <i>HOV Flyaway</i></li> </ul>	Thompson (HOV/Flyaway/ Airport Ground Access)  Pfeffer –(Goods Movement)  Huddy – Transit Work Elements  Hidisyan – West LA Transfer facility	07-060.SCGC2 Thompson  07-130.SCGC10 07-130.SCGC13 Pfeffer  07-140 Huddy  07-195.SCGC1 07-240 Hidisyan
5. Plan to Include Accessible Pedestrian Walkways and Bicycle Facilities	The plan is to <i>"...provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities)..."</i>  Amended 23 U.S.C. 134(c)(2)	Not included in the 2004 RTP	RTP will include more thorough discussion of NMT based on the NMT study.	Alan Thompson RTP Team	07-010.SCGS1 Thompson Non Motorized Transportation Study  07-010.WRCS1 Gutierrez Non Motorized Mapping

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
6. Separate Operational and Management Strategies	Plan must identify <i>"operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods."</i>  Amended 23 U.S.C.134(h)(2)(D)	Addressed in part by the System Management discussions in the 2004 RTP	Will need to be updated	RTP Team	07-010 Amatya
<b>Expanded Mitigation Requirements</b>					
7. Discussion of Environmental Mitigation Activities	Plan must include <i>"a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities..."</i>  Amended 23 U.S.C.134(h)(2)(B)	Not required in the 2004 RTP process.	A discussion of the environmental mitigation addressed in the RTP/RCP EIR will be incorporated in the 2008 RTP.	Environment Section Project managers Task Force Staffs	07-020.SCGS1 07-020.SCGC1 Patsaouras  07-010 Macias
8. Expanded Environmental Mitigation Consultation	The discussion of potential environmental mitigation activities <i>"...shall be developed in consultation with Federal, State, and tribal wildlife, land management and regulatory agencies."</i>  Amended 23 U.S.C.134(h)(2)(B)	Addressed in part as part of the stakeholder involvement discussion.	Need to ensure that these agencies are included in the consultation process, and in the Participation Plan (see below)	Environment Section Project managers Task Force Staffs	07-020.SCGS1 07-020.SCGC1 Patsaouras



## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
<b>Expanded Consultations</b>					
9. Encourages consultation with other local agencies affected by transportation	MPOs are <i>"encouraged"</i> to consult with <i>"...State and local planned growth, economic development, environmental protection, airport operations, and freight movement..."</i> officials.  Amended 23 U.S.C.134(g)(3)	Was included in the 2004 RTP	In Compliance  Will continue for the 2008 RTP	Project Managers Task Force Staffs P&P TAC; TTF; GMTF; ATF, RCP TAC Compass 2% Strategy	07-010.SCGS1 Amatya  07-020.SCGS1 Patsaouras  07-055 – Harris  07-090 - Rhodes
10. Expanded Required List of Consultations	The MPO <i>"shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range plan."</i>  Amended 23 U.S.C.134(i)(4)(A)	Was addressed in part in the 2004 RTP	There is expanded consultation in the development of the RCP, the RTP, and the EIR, and <u>the list of consultations will be documented.</u>	Project managers Task Force Staff Environment Section  Incorporate into Public Participation Plan	07-010.SCGS1 Macias  07-045.SCGS1 Liu  07-020.SCGS1 Patsaouras
11. Consideration of Resource Maps and Inventories	The consultation shall involve comparisons of transportation plans with <i>"State conservation plans or maps"</i> or <i>"inventories of natural or historic resources"</i>  Amended 23 U.S.C. 134(i)(4)(B)	Was not done in the 2004 RTP	There is expanded consultation in the development of the RCP, the RTP, and the EIR, and <u>the list of consultations will be documented</u>	Environment Section  Data and Modeling should coordinate to get conservation maps and natural/historic resources into GIS	07-010.SCGS1 07-045.SCGS1 Liu  07-035 Egerman

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
12. Expanded List of Parties involved in Planning	List now includes: <i>"...representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled..."</i>  Amended 23 U.S.C. 134(i)(5)(A)	Was done in part in the 2004 RTP	Must be expanded in the 2008 RTP. Indirect references under 07-090.SCGS1	Cheryl Collier  Incorporate into Public Participation Plan	07-090.SCGS1 Rhodes
<b>Expanded Participation Requirements</b>					
13. Participation Plan	MPOs must develop and use a participation plan that is <i>"...developed in consultation with all interested parties;"</i> and provides <i>"reasonable opportunities"</i> for all interested parties <i>"to comment on the content of the transportation plan."</i>  Amended 23 U.S.C. 134(i)(5)(B)  The intent is to afford parties who participate in the MPO planning process a specific opportunity to comment on the plan prior to its approval. FTA/FHWA expect this to encompass governmental and nonprofit organizations that receive Federal assistance from a source other than Department of Transportation to provide non-emergency transportation services, and recipients of assistance under section 204 of title 23, U.S.C.	While TEA-21 did not require a formal participation plan, it did call for providing <i>"...reasonable opportunity to comment on the long-range transportation plan."</i>	"Development of a public participation and outreach plan" is listed in the OWP under 07-090.SCGS1  May need a participation plan early on to demonstrate compliance  <i>Although not required at the beginning of the RTP process, by developing a plan this early, it could mitigate one potential source of litigation.</i>	Cheryl Collier/ Don Rhodes  Develop a Public Participation Plan. Use the 2004 RTP Task Forces' mailing lists as a starting point and build on that. Coordinate with Communication Task Force and existing mailing lists.  Send to partner agencies for review and comment, and then out to public for comment period.	07-090.SCGS1 Rhodes

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
14. Visualization Techniques	In developing the participation plan, MPOs shall <i>"to the maximum extent practicable...employ visualization techniques to describe plans..."</i>  Amended 23 U.S.C. 134(i)(5)(C)	Visualization techniques were employed in the review process for the 2004 RTP	In Compliance  SCAG utilizes visualization techniques in both the plan and public participation and outreach.	Project Managers Chapter Authors GIS Dept. Marnie Tenden Transportation Section, Environ Section	07-090.SCGS1 Rhodes  07-010 - Amatya  07-035 Patsaouras
15. Electronic Access to Plans	MPOs shall also <i>"make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate..."</i>  Amended 23 U.S.C. 134(i)(5)(C)(iii)	Draft RTP documents were made available on the SCAG website during the 2004 process.	In Compliance  A similar process will be used for the 2008 update.	Cheryl Collier	07-090.SCGS1 Rhodes
16. Electronic Publication of Plan	MPOs shall publish or otherwise made readily available for public review transportation plans <i>"including (to the maximum extent practicable) in electronically accessible formats...such as the World Wide Web..."</i>  Amended 23 U.S.C. 134(i)(6)	2004 RTP has been provided on the SCAG website.	No impact  The 2008 RTP will continue to be made available on the SCAG website. Although this is not something specifically delineated in public outreach task, it is something SCAG has done and continues to do.	Cheryl Collier	07-090.SCGS1 Rhodes

## SAFETEA-LU Changes and Actions

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
<b>Other Changes that Affect the RTP</b>					
17. Two Additional Project Types in Annual Listing of Obligated Projects	Development of the annual listings of projects shall be "...a coordinated effort of the State, transit operator, and MPO..." and shall include "...investments made in pedestrian walkways and bicycle transportation facilities..." for which Federal funds have been obligated in the preceding year.  Amended 23 U.S.C. 134(j)(7)(B)	Pedestrian walkways and bicycle transportation facilities were not called out separately in the list of transportation facilities in TEA-21.	This requirement appears in the SAFETEA-LU section regarding the TIP, but the TIP and RTP project lists should be similarly organized.	Ayala	07-030.SCGS1 Ayala  07-010.SCGS1 Amatya  07-010.SCGS2 Thompson
18. Addition of Transit Operator in Development of Funding Estimates	Development of estimates of funds that will be available to support plan implementation must be a cooperative effort among the MPO, State and transit operators.  Amended 23 U.S.C. 134(i)(2)(C)	Previously, only the MPO and the State were required in developing funding estimates. However, SCAG did rely on CTCs for funding estimates	Must be updated for the 2008 RTP.  <i>In past RTPs, funding estimates have been developed in cooperation with our transit operators--utilizing their short-range transit plans to the extent possible and incorporating their inputs from various task forces (transit task force and the transportation finance task force). SCAG will continue to incorporate transit operator input in this effort.</i>	Nam CTCs Transit Operators	07-015.SCGS1 Nam

# **SAFETEA-LU** **Changes and Actions**

CHANGES	SAFETEA-LU PROVISIONS	TEA-21 REQS IN 2004 RTP	IMPACTS ON SCAG 2008 RTP	COORDINATION	OWP Work Element
19. Consideration of DOT Highway Safety Plan	SAFETEA authorizes a new categorical program for highway safety, the Highway Safety Improvement Program (HSIP). This program, to be administered by the State DOT, requires the development of "...a <i>State strategic highway safety plan</i> ."  Amended 23 U.S.C. 148	HSIP subsumes the existing roadway hazard elimination program. A statewide strategic highway safety plan was not required previously.	Since the MPO's long-range transportation plan is to take into consideration "... <i>other types of planning activities...</i> " (Amended section 134(g)(3)), and since safety is one of the 8 planning factors in SAFETEA-LU, the RTP needs to consider the State strategic highway safety plan.	Amatya	07-010.SCGS1 Macias